

Leeor Neta, *admitted pro hac vice*
 leeor@newmanlaw.com
 Jake Bernstein, WSBA No. 39362
 jake@newmanlaw.com
 Newman Du Wors LLP
 2101 Fourth Avenue, Suite 1500
 Seattle, WA 98121
 Telephone: (206) 274-2800
 Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON**

RIVER CITY MEDIA, LLC, et al.,
 Plaintiffs,
 v.
 KROMTECH ALLIANCE
 CORPORATION, et al.,
 Defendants.

Case No. 2:17-cv-00105-SAB

**PLAINTIFFS' MOTION TO
 EXPEDITE MOTION TO EXTEND
 AMENDED PLEADINGS
 DEADLINE HEARING**

Without Oral Argument
 Date: February 15, 2018
 Spokane, Washington

Plaintiffs River City Media, LLC, Mark Ferris, Matt Ferris, and Amber Paul (“Plaintiffs”) submit the following Motion to Expedite Hearing without oral argument on Plaintiffs’ Motion to Extend Amended Pleadings Deadline. Plaintiffs have telephonically requested that the Court consider this motion prior to the noticed hearing date, for the reasons detailed herein, pursuant to Local Civil Rule 7.1(h).

A. Plaintiffs have good cause to request an expedited ruling.

The deadline for Plaintiff to Move to Amend is February 14, leaving insufficient time to resolve this discovery dispute detailed herein. (Dkt. No. 66.) It is vitally important that Plaintiffs be allowed to resolve their discovery dispute with Defendants CXO and IDG prior to filing their motion to amend. And the hearing date for this motion, as set by Local Rule 7.1(h) will be April 15. As such, Plaintiffs

1 respectfully request that this Court hear this Motion on an emergency basis.

2 **B. Plaintiffs have not unreasonably delayed discovery or their Motion to**
 3 **Amend.**

4 On November 28, 2017, and December 4, 2017, respectively, CXO and IDG
 5 served their responses to Plaintiffs' first set of interrogatories and requests for
 6 production, stating that they would not produce documents or respond to certain
 7 interrogatories necessary for Plaintiffs' First Amended Complaint without a
 8 protective order. (Declaration of Leeor Neta, dated February 8, 2018 ("Neta
 9 Decl."), ¶ 2.) On December 15, 2017, Plaintiffs sent a letter requesting a meet and
 10 confer teleconference regarding IDG's and CXO's deficient discovery responses.
 11 (*Id.* ¶ 3, Ex. A.) And on December 21, 2017, Plaintiffs sent a letter requesting a
 12 meet and confer teleconference regarding Defendant Kromtech's deficient
 13 discovery responses. (*Id.* ¶ 4, Ex. B.) Over the next few weeks, *which included the*
 14 *Christmas and New Year's holidays*, the parties conferred about, negotiated,
 15 prepared for, and conducted the deposition of Plaintiff Matthew Ferris. (*Id.* ¶ 5.)
 16 Plaintiffs also proceeded with third-party discovery. (*Id.* ¶ 6.) On December 28,
 17 2017, Counsel for Plaintiffs requested a response from Counsel for IDG and CXO
 18 to the December 15 meet and confer letter. (*Id.* ¶ 8, Ex. C.) On January 4, 2018,
 19 Kromtech stated that it would not produce documents without a protective order.
 20 (*Id.* ¶ 8, Ex. D.)

21 On January 5, 2018, CXO and IDG moved for a protective order related to
 22 documents requested by Plaintiffs. (Dkt. No. 69.) On January 31, 2018, Kromtech
 23 produced 3,985 pages in response to Plaintiffs' discovery requests. (Neta Decl. at
 24 ¶ 9, Ex. E.) On February 6, 2018, the Court granted IDG and CXO's motion and
 25 entered the protective order. (Dkt. No. 77.) At approximately 2:00 PM PST on
 26 Tuesday, February 6, 2018, CXO and IDG produced documents in response to
 27 Plaintiffs' requests for production. (Neta Decl. at ¶ 10, Ex. F.) And on February 7,
 28 2018, at 10:36 a.m. PST, CXO and IDG served responses to Plaintiffs'

Interrogatories. (*Id.* ¶ 11, Ex. G.) Both the production and the interrogatory responses are wholly insufficient, and during the afternoon of February 7, counsel for Plaintiffs informed counsel for CXO and IDG of this and requested an extension of the Motion to Amend pleadings deadlines. (*Id.* ¶ 12.) That night, Counsel for Plaintiffs sent a letter to Counsel for CXO and IDG, detailing CXO and IDG's discovery deficiencies and requesting a meet and confer teleconference. (*Id.* Ex. H.) Counsel participated in that teleconference during the morning of February 8 and Counsel for Plaintiffs will file a Motion to Compel on February 9. (*Id.* ¶ 13.)

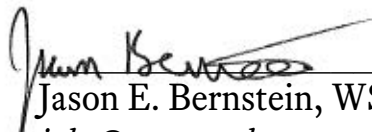
C. Plaintiffs have informed opposing counsel of their intent to file this motion and the Motion to Extend the Amended Pleading Deadline.

Plaintiffs sought a stipulation to extend the Amended Pleadings deadline but counsel for Defendants IDG and CXO refused. (*Id.* ¶ 14, Ex. I.) In a telephone conference on February 8, 2018, Counsel for Plaintiffs informed Counsel for IDG and CXO that Plaintiffs intended to file this Motion and Plaintiffs' Motion to Extend Amended Pleading Deadline. (*Id.* ¶ 15.) Counsel for IDG and CXO agreed that all meet and confer efforts had been exhausted and Plaintiffs' were free to request relief from the court. (*Id.* ¶ 16.)

For all of these reasons, Plaintiffs respectfully request that the Court hear this Motion to Expedite on an emergency basis.

Dated: February 8, 2018

Newman Du Wors LLP



Jason E. Bernstein, WSBA Bar No. 39362

jake@newmanlaw.com

Leeor Neta, *admitted pro hac vice*

leeor@newmanlaw.com

2101 Fourth Avenue, Suite 1500

Seattle, WA 98121

(206) 274-2800

Attorney for Plaintiffs
RIVER CITY MEDIA, LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Attorneys for Defendants International Data Group, Inc., CXO Media, Inc. and Steve Ragan

Kevin J. Curtis
WINSTON & CASHATT
601 W. Riverside, Ste. 1900
Spokane, WA 99201
kjc@winstoncashatt.com

Charles L. Babcock
William J. Stowe
Jackson Walker L.L.P.
1401 McKinney Street, Suite 1900
Houston, TX 77010
cbabcock@jw.com
wstowe@jw.com

Attorneys for Kromtech Alliance Corp.

Amy McGowan Smith
Matthew D. Brown
Cooley LLP
1355101 California Street, 5th Floor
San Francisco, CA 94111
amsmith@cooley.com
brownmd@cooley.com

Christopher B. Durbin
Cooley LLP
1700 Seventh Avenue, Suite 1900
Seattle, WA 98101
cdurbin@cooley.com

Attorneys for Defendant Chris Vickery

Edward C. Chung, Esq.
Chung, Malhas & Mantel, PLLC
1511 Third Avenue, Suite #1088
Seattle, WA 98101
Echung@cmmlawfirm.com
Litigation@cmmlawfirm.com

I declare under penalty of perjury that the foregoing is true and correct.

s/Rachel Horvitz
Rachel Horvitz